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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,643	12/07/2000	Yair Dar	204,923	9960

7590 05/19/2005
ABELMAN FRAYNE & SCHWAB
150 East 42nd Street
New York, NY 10017

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,643

Applicant(s)

DAR ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23,24,26-27,43-45,56-58 and 64-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23,24,43, 56-58,64-67 and 73-93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 26-27,44-45 and 68-72 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed April 6, 2005 with respect to the last office action mailed January 28, 2005. rejection of claims 23-24, 26-27, 44-45, 56-58, and 64-93 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bishop et al (US 4,965,821).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 23-24, 27, 43, 56-58, 64-66, 73-78, 82-89, 92-93 are rejected under 35 U.S.C. 102(b) as being anticipated by Bishop et al "Bishop" (US Patent No. 4,965,821).

As per claims 23, 27, 43, 67, 82-86, Bishop discloses at least one sensor on-board a vehicle and automatically sensing the time during which said vehicle is being operated (col. 12, lines 53-60); at least one communicator on-board said vehicle providing an output indicating the time during which said vehicle is being operated (col. 12, lines 53-60); and at least one data processor receiving a communication from said at least one communicator, indicating the time during which said vehicle is being operated and providing a billing data output in respect of a

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vehicle-related service which is dependent only on at least one of the time during which said vehicle is being operated and where said vehicle is located when it is being operated (col. 13, lines 42-53). The Bishop system does not depend on any other input from the mounted sensor.

As per claim 24, Bishop discloses a sensor on-board a vehicle and automatically sensing only the time during which said vehicle is being operated (col. 12, lines 53-60), at least one communicator on board said vehicle providing output indicating the time which said vehicle is being operated (col. 12, lines 53-60), and at least one data processor receiving a communication from said at least one communicator, indicating the time during which said vehicle is being operated (col. 12, lines 53-60), at least one data processor receiving a communication from said at least one communicator, indicating the time during which said vehicle is being operated and providing a billing data output in respect of a vehicle-related service which is dependent on the time during which said vehicle is being operated (col. 13, lines 42-53).

As per claims 56, 64, Bishop discloses automatically sensing the time which a vehicle is being operated, communicating an output indicating the time during which said vehicle is being operated and receiving a communication indicating the time during which said vehicle is being operated (col. 12, lines 53-60), and providing a billing data output in respect of vehicle services which is dependent on the time during which said vehicle is being operated and in not dependent on any other input automatically sensed by a vehicle sensor (col. 12, lines 53-60 and col. 13, lines 42-53). Bishop's system does not depend on any other input sensed by the sensor.

As per claim 57, Bishop further discloses wherein said communicating takes place only when a vehicle is at one of a plurality of predetermined locations (i.e. a global position system for locating the location of the automobile) (col. 6, lines 40-49).

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As per claim 58, Bishop further discloses wherein said billing data comprises vehicle insurance billing data (col. 4, lines 50-56).

As per claims 65, 66 and 67, Bishop further discloses at least the time the automobile has been operated (col. 12, lines 53-60).

As per claims 73-75, Bishop discloses a GPS (global position system) which is wireless, and contact-less, which can perform the same function as the sensor not connected to an electrical system of said vehicle.

As per claims 76, 77, 78, Bishop further discloses wherein said at least one data processor comprises a vehicle fee payment data processor (i.e. a billing processing unit 66) (col. 4, line 40 through col. 5 line 4).

As per claims 79-81, Bishop further discloses wherein said at least one data processor comprises a vehicle insurance billing data processor (col. 4, lines 50-56).

As per claims 87-88, Bishop further discloses wherein said communication takes place only when a vehicle is at one of a plurality of predetermined locations (col. 6, lines 40-49).

As per claims 89-91, Bishop further discloses wherein said at least one data processor comprises a vehicle insurance billing data processor (col. 4, lines 50-56).

As per claims 92-93, Bishop further discloses wherein said fee payment billing data comprises vehicle insurance fee billing data (i.e. a billing processing unit 66) (col. 4, line 40 through col. 5 line 4).

Allowable Subject Matter

4. Claims 26-27, 44-45, and 68-72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Ehrman et al (US 2001/0037298) discloses a vehicle rental system for detecting the location of vehicles.

b. Robert et al (US Patent No. 6141610) disclose a method for monitoring the operation and usage of a vehicle.

c. Proquest "Clifford enters telematics with net-based car PC" discloses the concept of monitoring functions of an automobile.

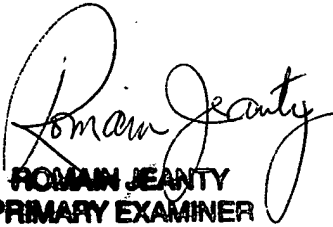
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 5, 2005


ROMAN JEANTY
PRIMARY EXAMINER